

OPTIONAL EA, FONSI AND DECISION RECORD FORM
BLM LAS VEGAS VALLEY LAND DISPOSAL ACTIONS

EA Number: NV-056-2008-82

Serial Case File No: N-77348

Proposed Action Title/Type: Direct Sale to Nhu Thi Tran under the authority of the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263, 112 Stat. 2343), as amended (SNPLMA), the land will be offered noncompetitively, one parcel of public land totaling approximately 3.75 acres as a direct sale in accordance with the applicable provisions of Sections 203 and 209 of the Federal Land Policy Management Act of 1976 (FLPMA) (43 U.S.C. 1713 and 1719), and the BLM's land sale and mineral conveyance regulations at 43 CFR Parts 2710 and 2720 at not less than the appraised Fair Market Value (FMV) of the parcel.

New regulations at 43 CFR 2807.15b require BLM to offer valid and existing right-of-way holders the option of converting their right-of-ways to one of the following actions:

1. Maintain right-of-way under its current terms and conditions, including expiration date. The patent, if issued, would be subject to the right-of-way.
2. Right-of-way holder could negotiate an easement with the prospective patentee.
3. Holder may request an amendment of the right-of-way to convert the term to perpetuity and make a one-time rental payment.
4. Holder may request an amendment of the right-of-way to convert the right-of-way to a perpetual easement, and make a one-time rental payment.

Notification letter was sent on January 3, 2008 to Nevada Power Company (NPC) notifying them of their right of conversion. NPC has requested the conversion of two (2) rights-of-way N-43249 (245' in length and 86' in width) and N-84708 (184.39' in length and 10' in width) to easements. Amended applications and the associated survey plat have been filed with BLM for the conversion. The application also addresses the issue of trespass on one (1) 138kv line, one (1) 69kv line, one (1) 12.5kv line and a fiber optic line. See Exhibit B (Easement Chart) for each specific affected rights-of-way and subsequent easement.

Issuance of perpetual right-of-ways or easements only occurs prior to the conveyance of the affected sale parcel.

Prior to patenting the sale parcel, the perpetual right-of-way/easement would be issued and recorded at Clark County Recorder's Office.

Location of Proposed Action: M.D.M., Nevada, T. 21 S., R. 62 E., Sec. 28 NW¹/₄SE¹/₄SE¹/₄SW¹/₄, N¹/₂NE¹/₄SW¹/₄SE¹/₄ SW¹/₄. (+/- 3.75 acres) A map of the location can be seen as Exhibit A.

No Action Alternative: The parcel would remain difficult to manage and not offer any legitimate development use to any persons other than the proponent of this action. The parcel has unauthorized Off Highway Vehicle (OHV) usage thereby increasing the concerns for Air Quality with the continually generated dust from those vehicles. The perpetual rights-of-way and easement associated with the individual parcel would not be issued because the public land involved is not being conveyed out of Federal ownership. The original rights-of-way along with the terms and conditions would remain authorized. Additionally, no funds would be generated by the disposal of land sales under SNPLMA.

Existing NEPA Documentation: The following documents are tiered to as appropriate for indirect site specific and cumulative analysis: The Bureau of Land Management (BLM) Las Vegas Resource Management Plan (RMP) Environmental Impact Statement (EIS), Record of Decision (ROD) signed October 5, 1998; and the Las Vegas Valley Disposal Boundary (LVVDB)/EIS, signed December 23, 2004, FES 04-48. The EIS is available at the following BLM website at

http://www.blm.gov/nv/st/en/fo/lvfo/blm_programs/planning/las_vegas_valley_disposal.html. This parcel was previously assessed under EA-NV-2004-070 (Exhibit E) and cancelled on April 10, 2006.

Applicant: Nhu Thi Tran

Conformance with Applicable Land Use Plans: The parcel is wholly within the disposal boundary adopted by Congress in SNPLMA, as amended, and is identified as suitable for disposal pursuant to SNPLMA and the Federal Land Policy and Management Act of 1976, as amended, Pub. L. 94-579, 90 Stat. 2743 (FLPMA). The disposal of the subject land is in accordance with the Las Vegas Resource Management Plan/Final Environmental Impact Statement (RMP) approved in October 1998. See the Record of Decision, Lands Decision LD-1, page 18 of Appendix A of the RMP and Section 4(d) (1) of SNPLMA. A copy of the RMP is available for review at the BLM Las Vegas Field Office, 4701 N. Torrey Pines Dr., Las Vegas, NV.

Need for Proposed Action: The purpose and need for the proposed action is to further the policies of SNPLMA and the Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107-282), and to dispose of Federal public lands within the SNPLMA disposal boundary. Disposal will eliminate Federal ownership and thus allow local governments, not the Federal government, to control, manage, and regulate the future uses of these lands.

Description of Proposed Action: Offer for sale approximately 3.75 acres of public land using the direct sale method based on nomination from Nhu Thi Tran and pursuant to Section 4 d (2) of Public Law 105-263.

Land Uses: The parcel is vacant land and subject to authorized rights-of-way or encumbrances as follows; US-95 freeway (N-38756), power transmission lines (N-43249), trespass of 138kv, 69kv, and 12.5kv transmission lines (N-84732) and fiber optic line (N-84708).

Affected Environment: Air Quality - The Environmental Protection Agency (EPA) changed the standard for ozone from .084 ppb to .075 ppb, in March of 2008. This new standard will require implementation of Volatile Organic Compound (VOC) reduction strategies. There are a number VOC reduction strategies, including but not limited to reformulated fuel, vapor recovery, double walled under-ground storage tanks, increase mass transit and car pooling. It is not known as this time which of these reduction strategies would be implemented by Clark County Department of Air Quality and Environmental Management (CCDAQEM) as part of the State Implementation Plan (SIP) to show attainment for the new ozone standard. BLM will work closely with Clark County to ensure BLM authorizations are included as part of the SIP for the affected area. Clark County is not required to submit a completed SIP to the EPA for signature until sometime in 2012.

Environmental Impacts (Please mark “X” in the appropriate spaces):

Critical Element	Affected		Critical Element	Affected	
	Yes	No		Yes	No
Air Quality	X		Native American Religious Concerns		X
ACECs		X	T & E Species (animal or plant)	X	
Cultural Resources		X	Wastes, Hazardous or Solid		X
Environmental Justice		X	Water Quality Drinking/Ground		X
Farmlands, Prime/Unique		X	Wetlands/Riparian Zone		X
Floodplains		X	Wild and Scenic Rivers		X
Fish Habitat		X	Forest & Rangelands		X
Migratory Birds		X	Wilderness		X
Noxious Weeds/Invasive Non Native Species		X			

Description of Impacts: Impacts of land title transfers are later in time and therefore considered indirect impacts. No impacts noted in this analysis are direct impacts as no ground disturbance or construction activities can occur until after transfer of title.

The act of amending rights-of-way to a perpetual right-of-way or easement does not cause any direct impacts to the environment. These rights-of-way are already constructed. The action of converting these authorizations is administrative only.

Air Quality: Page 4-9 of the Disposal EIS clearly states that the Proposed Action there, disposal of 46,701 acres, would not result in an exceedance of the PM10 standard. Levels of CO would continue to be in compliance with SIP requirements. Further, the Proposed Action would be in compliance with the 8-hour ozone standard in 2009 and 2018 the out years modeled, as exhibited on page 4-12 of the Disposal EIS. This sale falls within the analysis already completed for the Disposal EIS. Argonne National Laboratory modeling results indicate attainment would be reached and maintained for PM10, CO and ozone out to the year 2018.

Simulations using the Argonne National Laboratory air-quality model indicated potential for future ozone concentrations from development of disposed lands to temporarily exceed the 0.084 ppb standard for select areas of Las Vegas Valley. The temporary exceedances were considered a “worst-case” scenario because the model was constructed using very conservative approaches and only included reformulated fuels as a VOC reduction strategy.

The Argonne National Laboratory air-quality model also assumed a disposal rate of approximately 4,000 acres per year based upon the rate of sales at the time and the assumption that the market could support this rate of disposal into the foreseeable future. In the past 2-3 years, deteriorating economic conditions have reduced demand for additional housing and land; the number of acres actually disposed has dropped considerably in the Las Vegas Valley from a high of 11,000 acres [in 2004] to a low of 35 acres as of June 11, 2008. The current trend in lands sales is expected to continue for the next several years based on the present economic conditions.

The results projected in the ozone model still adequately address future expected levels of ozone in the Las Vegas Valley. Future ozone concentrations resulting from development of disposed lands probably will be less than predicted by the model because of the greatly reduced rate of land disposal, conservative modeling approaches and likely implementation of VOC reduction measures not considered in modeling scenarios. The new 0.075 ppb ozone standard probably will not be exceeded based upon this rationale, but there is some uncertainty involved with modeling results. In order to address uncertainty, the following measures will be implemented. BLM will coordinate CCDAQEM to ensure federal actions are consistent with the future guidelines provided by CCDAQEM. BLM, in coordination with CCDAQEM, also will determine if additional modeling is needed in the future if disposal rates increase to initially assumed values and specific VOC reduction measures are identified and implemented under a revised SIP.

Water Resources: Potential impacts to surface water and groundwater resources were addressed in the Disposal EIS (4-20 to 4-22). There are no surface waters within the project area and there would be no impacts to groundwater resources by disposing of these lands. If development is to occur within ephemeral channels, the developer will need to comply with Section 404 of the Clean water Act by determining if Waters of the U.S. are present within the project area and consulting with ACOE and NDEP.

Cultural Resources: To comply with Section 106 of the National Historic Preservation Act (NHPA), the BLM Archaeologist conducted an existing data review of the area of potential effect (APE) for the proposed undertaking. The APE was previously evaluated for cultural resources (refer to BLM Cultural Resource Report 5-1041). No historic properties or Native American concerns were identified within the APE; no further evaluation is required. The undertaking as proposed will have no effect to historic properties.

Environmental Justice: See pages 3-68 through 3-70 in the Disposal EIS for a full description of the Las Vegas Valley potential Environmental Justice (EJ) populations. No EJ populations in the Valley were identified in the Disposal EIS.

Migratory Birds: Under the Migratory Bird Treaty Act of 1918 and subsequent amendments (16 U.S.C. 703-711), it is unlawful to take, kill, or possess migratory birds. A list of those protected birds can be found in 50 C.F. R. 10.13. Page 4-28 of the Disposal EIS states that due to the existing fragmentation it is unlikely the Proposed Action analyzed in the Disposal EIS would interfere with the movement of migratory wildlife species. Therefore, the sale of this parcel analyzed in this EA is unlikely to interfere with the movement of migratory wildlife species.

As discussed in the Disposal EIS (p. 4-24), the disposal of BLM lands and the transfer of title would not have a direct impact on wildlife, including migratory birds. Subsequent development and change in land use would be indirect impacts. Indirect effects to common wildlife species were analyzed in the Disposal EIS. Page 4-25 states, "Increased human activity may cause wildlife to avoid or move away from the sources of disturbance".

Threatened and Endangered Species: The above proposed action has a no effect determination on the threatened desert tortoise (*Gopherus agassizii*). This project will have no effect on any other federally listed species or designated critical habitat.

Recent desert tortoise survey data conducted for the preparation of the Disposal Boundary EIS indicates no tortoise sign located in the area of the proposed project site. Aerial photographs of the parcel indicate that vegetation exists on the parcel. However, the parcel is very fragmented, situated in an area experiencing rapid urban development. As such, the area no longer constitutes suitable habitat capable of supporting desert tortoises. No impacts to desert tortoises are expected and no remuneration fees are required.

Sale of the parcel will change land title only, causing no direct physical change to the land or to the existing land use. However, once the new parties acquire the land, it may be developed. Therefore, it is the eventual development after the sale that would cause physical impacts to the land and in turn to the species associated with them both directly and indirectly.

This notice will serve as the Section 7 Determination and no additional paperwork will be provided (Sec 7 Log # NV-052-08-097).

Noxious Weeds/Invasive Non Native Species: Range - This is a non-issue for Range, as not all of the Las Vegas Field Office (LVFO) was ever allotted for livestock grazing. Noxious Weeds -

In accordance with the 2006 LVFO Noxious Weed Plan, noxious weeds are a non-issue for proposed projects within the land disposal areas.

Vegetation: Disposal and future development of BLM lands could lead to the loss of 90% of the native vegetation within the Las Vegas Disposal area. It is expected that approximately 10% of the land would remain in its natural state. This loss of habitat would represent less than 1% of the total habitat existing within the Las Vegas planning area.

Since the land will be permanently conveyed to the proponent, no cacti and yucca evaluation and salvage will be required. This recommendation is consistent with other permanent land conveyances through sale or exchange.

Cumulative Impacts: All cumulative impacts associated with this disposal action were analyzed on pages 4-58 through 4-66 of Las Vegas Valley Disposal Boundary EIS and are incorporated by reference.

Description of Mitigation Measures and Residual Impacts: No residual impacts have been identified since it's a transfer of title only. Prior to patenting the sale parcel, the appropriate perpetual right-of-way/easement would be issued and recorded in Clark County records.

Consultation and Coordination: Coordination includes an Interested Party Letter with a copy of the Notice of Realty Action (NORA) to be mailed to adjacent landowners, Nevada Congressional, State of Nevada, local/regional governments, federal agencies and interested parties following publication of the NORA. Comments concerning the proposed sale, including this environmental assessment (EA), may be submitted in writing to the BLM Field Manager as outlined in the NORA.

Persons Consulted:

Mark Slaughter, Renewable Resources- Las Vegas Field Office (LVFO)
Jeff Steinmetz, Lead Planning and Environmental Coordinator - LVFO
Christina Lund, Botanist – LVFO
Frederic Marcell, Realty Specialist – LVFO
Susanne Rowe, Archaeologist – LVFO
Everett Bartz, Range Management Specialist – LVFO
Sarah Peterson, Hydrologist – LVFO